

Belgium

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Freedom of the Press

Freedom of the press is safeguarded under Articles 19 and 25 of the Belgian constitution, and the rights of the media are generally respected in practice. The law prohibits hate speech, including Holocaust denial, which carries a maximum sentence of one year in prison. Defamation is a criminal offense under Articles 443 to 453 of the Belgian Penal Code. Defamatory remarks that are published in the press are seldom brought before a criminal court, but instead are considered “press offenses” that are judged by a jury in the Court of Assizes, according to Article 150 of the constitution. In 2012 it was ruled that Article 150, which grants *de facto* criminal immunity for press offenses, protects digital as well as traditional media. Journalistic sources are protected under a 2005 law, which also protects journalists from search and seizure.

A 1994 law allows individuals to obtain access to official documents held by executive and judicial authorities, and stipulates that public authorities must offer an explanation of the document if requested. The print media are self-regulated by the Federation of Editors, an industry body in which all major newspapers are represented.

Censorship of media content does not generally occur, though authorities continue to block The Pirate Bay and other file-sharing websites on the grounds that they promote copyright violations. Cases of harassment and physical attacks against journalists are rare. In April 2013, weatherman Luc Trullemans was dismissed from his positions at the private French-language television station RTL-TVI and radio station Bel RTL after posting comments on his personal Facebook page that were considered anti-Muslim. Trullemans also claimed that he was pursued and threatened by a group of Muslims over Facebook comments he made before his dismissal.

Media ownership is highly concentrated, and a small number of media groups own the main newspapers. Ownership and distribution are distinct in Belgium’s two linguistic regions, Flanders and Wallonia. Three major companies dominate newspaper distribution in Flanders, and two in Wallonia. The two regions have completely autonomous public broadcasters (RTBF and VRT), with one broadcasting in French and the other in Flemish over both radio and television channels; each also has its own private broadcasting networks. The privately owned RTL media group has reported a slight decline in the audience share of its RTL-TVI channel, but its family of television channels maintains a lead over other outlets with French-speaking Belgian audiences in share, ratings, and amount of top programming. Access to cable-based and foreign television channels is widespread. In 2013, 82 percent of the population had access to the internet, and there are no government restrictions on its use.

The Belgian media industry has suffered from the economic downturn that began in 2008, as outlets are largely dependent on advertising revenues. Most media companies have sought to reduce staff, by up to a third in some cases. In November 2013, Finnish magazine publisher Sanoma announced plans to cut or sell its operations in Belgium.

2014 Scores

Press Status

Free

Press Freedom Score

(0 = best, 100 = worst)

11

Legal Environment

(0 = best, 30 = worst)

2

Political Environment

(0 = best, 40 = worst)

4

Economic Environment

(0 = best, 30 = worst)

5